On November 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20392. Misbranding of Ulcicur. U.S. v. 17 Bottles of Ulcicur. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28407. Sample no. 6734-A.)

Examination of the drug preparation Ulcicur disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 21, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bottles of the said Ulcicur, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about February 9, 1932, by the Ulcicur Co., from Chicago, Ill., to St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted of a liquid and a powder. The liquid was composed of extracts of plant drugs including a bitter drug, glycerin, alcohol, sugar, and water. The powder consisted of bismuth subnitrate.

It was alleged in the libel that the article was misbranded in that numerous statements and testimonials appearing in the labeling regarding the effectiveness of the article in the treatment of stomach ulcers, duodenal ulcers, gastritis, acidity, stomach troubles induced or aggregated by too great acidity, pain and tenderness over the upper region of the stomach, gnawing or burning sensation which is particularly felt when the stomach is empty, cramps, doubling up, tearing or knife-like pains, inflamed condition of the abdominal lining around the ulcer, vomiting of blood, passing of blood by the bowel, excess of hydrochloric acid, sour or acid taste, prevalent bad breath, heartburn, belching, bloating, loss of appetite, nervousness, irritability, lowering of vitality, headaches, disturbed sleep and rest, periods of comfort between periods of discomfort and distress, hemorrhage (bleeding), anaemia, loss of weight, perforation, intense pain in the upper part of the abdomen with rigidity of its walls, faintness, rapid wiry pulse, pinched and anxious expression, distended abdomen, hunger pain, tenderness in the right abdominal region, indigestion, dyspepsia, flatulence due to hyperacidity, upset stomach from alcoholic beverages, other stomach troubles caused by faulty diet or hyperacidity, acidosis, chronic gastritis or catarrh of the stomach, hyperacidity called by many acute indigestion or dyspepsia, other stomach disorders, and disabled stomach, were false and fraudulent.

On November 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20393. Misbranding of O-Quaka. U.S. v. 63 Dozen Bottles of O-Quaka. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27699. I.S.no. 44457. S.no. 5778.)

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels. The name of the article and the ingredients listed on the bottle label, all vegetable substances, conveyed the impression that the product was an Indian remedy of vegetable origin, whereas one of the important ingredients was Epsom salt, a mineral drug.

On February 2, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 63 dozen bottles of O-Quaka, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce, in part on or about June 15, and in part on or about June 26, 1931, by the Sigler Drug Co., from Springfield, Mo., to Fort Smith, Ark., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "O-Quaka * * * Manu-

factured by O-Quaka Medicine Co. Sigler Drug Co., Distributors, Springfield, Mo."

Analysis of a sample of the article by this Department showed that it consisted of magnesium sulphate (Epsom salt) (12.5 grams per 100 milliliters), extracts of plant drugs including laxative drugs, and water, sweetened with saccharin and preserved with a benzoate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle label) "For the Kidney, Liver, Stomach and Blood Recommended for Indigestion, Rheumatism, * * * Impure Blood, Weak Men and Women, Lame and Painful Back * * * Eat or drink anything you wish. * * * If you suffer with any disease, acute or chronic, give this * * * remedy a * * * trial. * * * The Great Liver, Kidney, Stomach and Blood Remedy."

This Department recommended that a charge be included in the libel that certain statements appearing in the labeling were false and misleading. The libel, however, charged that the said statements, which are set out below, were false and fraudulent: (Bottle label) "Which is given us by the God of Nature. * * * Contains Mayapple, Poke and Sarsaparilla Roots, Prickly Ash, Wild Cherry, Cascara and Sassafras Bark, and Damianna, Buchu and Senna. * * * Indian Remedy"; (shipping container) "Indian Herb Tonic."

On January 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20394. Adulteration and misbranding of Vin: Iodine Comp., cinchophen tablets, Acetphenine tablets, quinine sulphate tablets, Bis-Ma-Cal tablets, Salacephen tablets, acetanilid compound tablets, salol capsules, sodium salicylate tablets, Kalmolax tablets, salol and phenacetin tablets, and grippe tablets. U.S. v. Llewellyn Laboratories, Inc. Plea of guilty. Fine, $150. (F. & D. no. 27570. I.S. nos. 26446, 29826, 29827, 29828, 29862, 29863, 29864, 29865, 29866, 29867, 29869, 29872, 29873.)

This case involved a shipment of a liquid drug preparation known as Vin: Iodine Comp. and of various pharmaceuticals in tablet or capsule form. The Vin: Iodine Comp. was represented to contain phosphorus and bromine, whereas it contained no free bromine and no free phosphorus; it also contained less iodine than declared; and more alcohol than declared on the carton and circular. The tablets were found to contain a smaller amount of one or more of the essential drugs than labeled; the acetanilid compound tablets were not only deficient in acetanilid but contained citrated caffeine in excess of the declared amount. The labels of the Vin: Iodine Comp. and the grippe tablets also bore unwarranted therapeutic claims.

On August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Llewellyn Laboratories, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on November 19, 1930, and March 4, 1931, from the State of Pennsylvania into the State of Ohio, of a quantity of Vin: Iodine Comp.; and on or about March 4, March 18, March 30, and April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets, which said products were adulterated and misbranded. The Vin: Iodine Comp. was labeled in part: (Bottle) "Vin: Iodine Comp. Contains 35% Alcohol Phosphorus, Iodine and Bromine"; (carton) "Contains 15% Alcohol Phosphorus, Iodine and Bromide"; (circular) "Iodine gr. 1/6, Bromine gr. 1/6, Phosphorus gr. 1/100 in each fluid-drachm." The tablets were labeled in part: "Cincophen 5 Grs."; "Acetphenine Acetphenetidin 1½ grs., Acetylsalicylic Acid 3 grs. Caffeine ½ gr."; "Quinine Sulph. 2 gr."; "Bis-Ma-Cal Magnesium Carb. 2 gr., Bismuth Subnit. ½ gr., Calcium Carb. 3½ gr."; "Salacephen * * * Acetphenetidin 2 grs."; "Acetanilid Comp. * * * Acetanilid 2 grs., Citrated Caffeine ½ gr."; "Salol 5 grs."; "Sodium Salicylate 5 Grs."; "Kalmolax Each tablet contains * * * ¼ gr. Phenolphthalein"; "Salol and Phenacetine Salol 2½ grs., Phenacetine 2½ grs."; "Grippe Acetanilid 1½ grs., Quinine Sulph. ½ gr." The articles were further labeled: "Llewellyn Laboratories, Inc. [or "Llewellyn Inc."] Philadelphia."